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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,432	05/09/2001	Paul M. Cohen	42390P11041	4988

8791 7590 01/05/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,432

Applicant(s)

COHEN ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 9/3/04).
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

3. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent No. 6,266,776)<sup>1</sup>.
4. Regarding claim 1, Sakai teaches a method to modify power to a system, comprising:  
monitoring a power level for a power supply (21) [col. 4, lines 51-52, 55-56] providing power to a plurality of devices (11-15) [Fig. 2; col. 4, lines 50-51], with each device having an operating power level;  
detecting a change in said power level for said power supply [col. 4, lines 61-63];  
creating a modification signal [col. 4, lines 63-64], based on said change in said power level of said power supply [col. 4, lines 61-63], to modify said operating power level of at least one of said plurality of devices [col. 7, line 62 to col. 8, line 5]; and  
sending said modification signal to said at least one of said plurality of devices [col. 4, lines 52-53, 64-66; col. 5, lines 5-8; col. 7, line 66 to col. 8, line 1].

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<sup>1</sup> Sakai was cited in the previous office action.

Art Unit: 2116

Sakai does not explicitly name the POWER\_PME signal is modification signal.

However, the POWER\_PME signal causes the system (including components 11-15) to change its operating state. Therefore, the POWER\_PME is interpreted as modification signal.

Sakai does not explicitly teach that each device having an operating power level.

However, one of ordinary skill in the art would have recognized that each of components (11-15) in the system would obviously having at least a normal operating power level and an OFF power level.

5. Regarding claim 2, Sakai teaches the method further comprising the steps of:

receiving said modification signal at said at least one of said plurality of devices [col. 4, lines 52-53, 64-66; col. 5, lines 5-8; col. 7, line 66 to col. 8, line 1]; and

modifying said operating power level for said at least one of plurality of devices in accordance with said modification signal [col. 7, line 62 to col. 8, line 5].

6. Regarding claim 3, Sakai teaches that the modifying comprises reducing said operating power level for said at least one of said plurality of devices in accordance with said modification signal [col. 7, line 62 to col. 8, line 5].

7. Regarding claim 4, Sakai teaches that the modifying comprises increasing said operating power level for said at least one of said plurality of devices in accordance with said modification signal [col. 8, lines 5-8].

8. Regarding claim 5, Sakai selects a number of portions of the system to operate [col. 7, lines 64-66].

9. Regarding claim 6, Sakai detects a current power level for said power supply [col. 4, lines 51-52].

Art Unit: 2116

10. Regarding claims 7 and 8, Sakai teaches that the system comprising a power table storing characteristics of each of the devices [col. 3, line 61 to col. 4, line 3].

11. Regarding claims 9-11, all the claimed subject matters are already discussed in respect to claims 1-8 above.

12. Regarding claims 12-17, Sakai teaches the claimed method steps. Therefore, Sakai teaches the apparatus to implement the claimed method steps.

13. Regarding claims 18-19, Sakai teaches the claimed method steps. Therefore, Sakai teaches the instruction for carrying out claimed method steps.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 9:30 AM - 8:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2116

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized, flowing script.

Thuan N. Du  
December 22, 2004